

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

ROBERT LEON MYERS, ET AL

PLAINTIFF

VS.

CAUSE NO.: 03-05-0889-PL

LEXIE MYERS

DEFENDANT

DECREE QUIETING AND CONFIRMING TITLE, ETC.

THIS CAUSE having come on for hearing on Complaint To Quiet And Confirm Title filed on May 28, 2003 and an Answer being filed by Lexie M. Myers and her son, Barry L. Luka, who has power of attorney, pro se and the Defendant, having been lawfully noticed for hearing by certified mail, return receipt requested and the Defendants not being present and called three (3) times in open court and in the halls surrounding the courtroom, and appearing not, the Court being so advised in the premises and finds as follows, to-wit:

I.

The Plaintiffs in the case are all beneficiaries of the Estate of Thomas Eugene Myers. They are Robert Leon Myers, the son of the Decedent, Thomas Eugene Myers; Greg Myers Lewis and Angela Lynn Lewis Morales, the children and heirs-at-law of Brenda Gene Myers Lewis, deceased, the daughter of Thomas Eugene Myers, deceased.

II.

Thomas Eugene Myers died testate and left a certain instrument in writing wherein he bequeathed to his wife, the Defendant, Lexie Myers, a life estate in Lot #58, Greenbriar Lakes Patio Homes, #1, in Section 30, Township 1 South, Range 7 West in DeSoto County, Mississippi, as long as she physically lives in said house or until she remarries with the remainder of said property at her death or when she is no longer living at Lot #58 aforesaid or

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J. E. DAVIS, CLERK

remarries, to go to his children, Brenda Gene Myers Lewis and Robert Leon Myers, in equal parts, to share and share alike per stirpes. A copy of said Will was attached to the Complaint as Exhibit "A". Brenda Gene Myers Lewis, the daughter of the Decedent died on or about January 18, 1999. A copy of her death certificate was attached to the Complaint as Exhibit "B". The Twenty-Fourth (24th) Judicial District for the Parish of Jefferson, State of Louisiana in Cause No. 541-973 recognized the Plaintiffs, Angela Lynn Lewis Morales and Gregory Myers Lewis as the children and heirs of the Decedent, Brenda Gene Myers Lewis. A copy of said Order from the State of Louisiana was attached to the Complaint as Exhibit "C".

III.

The estate of the Decedent, Thomas Eugene Myers, was opened and closed in accordance to law and the Order closing the estate and discharging the executor was attached to the Complaint as Exhibit "D". Said Order recognizes the provisions of the Last Will & Testament of Thomas Eugene Myers and that the Defendant, Lexie Myers, was vested with a life estate in aforementioned real property so long as she lives or continues to reside on the property until such time as she remarries. The remaining interest in the real property is vested in Robert Leon Myers and the heirs-at-law of Brenda Gene Myers Lewis, Greg Myers Lewis and Angela Lynn Lewis Morales.

IV.

The Court finds, having heard testimony and various reviewed exhibits that the Defendant, Lexie Myers, has not lived at Lot #58, Greenbriar Lakes Patio Homes located at 7107 Greenbriar Drive, Southaven, Mississippi 38671 since September 4, 2003. The Court further finds that the Defendant, Lexie Myers, has been confined to a hospital or nursing home for approximately one (1) year and has been continuously at the Beverly Healthcare-Southaven since

September 4, 2003 and is no longer living at 7107 Greenbriar Drive, Southaven, Mississippi, Lot #58, Greenbriar Lakes Patio Homes, #1 as heretofore described. The Court finds that the Plaintiffs are entitled to the relief as requested and that the terms of the Will of the Decedent, Thomas Eugene Myers are hereby enforced as per the wishes of the Decedent and in accordance with his Last Will & Testament.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that title to the property described as Lot #58, Greenbriar Lakes Patio Homes, #1, Section 30, Township 1 South, Range 7 West, DeSoto County, Mississippi with the physical address of 7107 Greenbriar Drive, Southaven, Mississippi 38671 is hereby vested in the Plaintiffs, Robert Leon Myers, Greg Myers Lewis, and Angela Lynn Lewis Morales. The Plaintiffs aforesaid are hereby granted the immediate possession of said property and are hereby expressly given the authority to change the locks and take whatever means necessary to secure and protect said property.

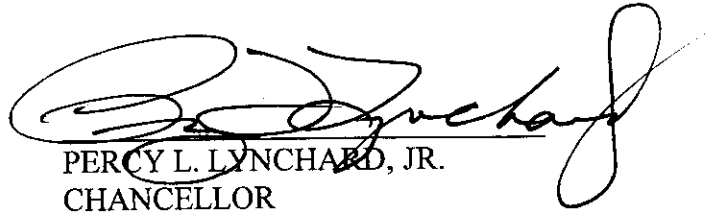
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant and/or her power of attorney, Barry L. Luka is hereby granted thirty (30) days from the date of this Order within which to remove all personal property belonging to the Defendant, Lexie Myers and said Defendants are hereby directed to provide the Plaintiffs or their attorney, Honorable Gerald W. Chatham, Sr. with a date and time that said property is to be removed. A failure to remove said property within the thirty (30) days shall operate as a waiver by the Defendants of their desire to remove said property and thereafter said property shall revert to and become the property of the Plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs shall have judgment of and from the Defendants for reimbursement for the homeowners insurance that the Plaintiffs have had to pay since the Defendant, Lexie Myers has failed to pay the


homeowners insurance to protect the property since she has vacated the home. That amount is \$1,030.50. The Plaintiffs shall further have judgment for the property taxes for 2002 and 2003 totaling \$257.87 which were paid by the Plaintiffs. Further, the Plaintiffs shall have judgment for the homeowners fee of \$290.40 which has to be paid immediately to the homeowners association and for the \$454.82 that is due and owing to Entergy for electrical power to the home giving a total judgment in the amount of \$2,033.50 for all of which execution issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiffs shall have the free and immediate access and quiet enjoyment of the aforesaid property from and after the date of this Order and that a copy of this Order shall be filed in the Land Deed Records of DeSoto County, Mississippi. All costs of this matter shall be assessed to the Plaintiffs.

SO ORDERED, ADJUDGED AND DECREED this the 29th day of April, 2004.


PERCY L. LYNCHARD, JR.
CHANCELLOR

PRESENTED BY:


Gerald W. Chatham, Sr., MSB# 5972
Attorney for Plaintiffs
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W. E. Davis, Clerk of the chancery court.

STATE OF MISSISSIPPI, COUNTY OF DESOTO
CHANCERY COURT, that the above and foregoing is
a true copy of the original filed in this office.
this the 29th day of April, 2004
W. E. Davis, Clerk of the chancery court